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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/668,242	09/24/2003	Toshiyuki Masaki	04329.3148	2062

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EXAMINER

WIMER, MICHAEL C

ART UNIT PAPER NUMBER

2828

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/668,242

Applicant(s)

MASAKI, TOSHIYUKI

Examiner

Michael C. Wimer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-7, 11 and 12 is/are rejected.
- 7) ☒ Claim(s) 4, 8-10 and 13 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/24/2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>9/24/03 & 2/25/04</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,5-7,11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vannatta et al (5977916).

Regarding Claims 1,6 and 11, Vannatta et al. show in Figure 6 for example (also in Figures 7 and 8), a multi-radiator, dual band antenna 600 for use in a cellular/portable telephone comprising two transmission-receiving antennas 651,658 and 653,657, respectively adapted to different frequency bands, and a receiving antenna 640 for the frequency bands which forms two diversity antennas (600) together with the transmission-receiving antennas, and a wireless communication unit connected to the antennas and performs communication in each of the frequency bands.

A skilled artisan would have found it obvious and recognizing the following communication characteristics of the antenna arrangement 600:

- 1) that the monopole whip 640 is broad-banded enough to be employed as a receiving antenna in both of the transceiving antennas 650 formed within the case of the phone 630, particularly since the former is responsive to vertically polarized waves and the latter antenna is responsive to both polarizations but decorrelated to the vertical components of the vertical whip; and,

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2) the whip antenna 640 is used in conjunction as a receiving antenna in the diversity system 600 (see col. 4, lines 47-49).

Regarding Claims 2,7 and 12, since the transceiving antennas are formed near the walls of the transceiver, the whip antenna 640 is capable of retracting within the case and is between the two antennas formed on the walls. Additionally the whip is positioned atop the case but is considered to be between the case radiators since they are formed on the walls of the unit.

Regarding Claim 3, all antennas are spaced according to a predetermined distance relative to each other and the transceiving antennas within the wall of the case 650 are formed of two frequency bands as recited here.

Regarding Claim 5, filter circuits are implied and taken for granted in multi-band transceivers as the filter must separate the respective signals. A skilled artisan would have found it obvious that there are filters to perform such functions in the radio-telephone of Vannatta et al.

Claim Objections

3. Claim 6 is objected to because of the following informalities: In line 2, it appears that "hold" should be --holds--. Appropriate correction is required.

Allowable Subject Matter

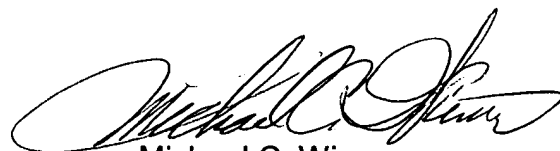
4. Claims 4,8-10 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Wimer whose telephone number is (571) 272-1833. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minsun O. Harvey can be reached on (571) 272-1835. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Michael C. Wimer', is positioned above the printed name.

Michael C. Wimer
Primary Examiner
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MCW
7/6/2005